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MS SERIES.

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| G.O. NO. | 1366 Edn |
| Dated | 3-5-49 |

## [Despatch Abstract.]

Rent- Private building occupied by the hostel attached to the Govt. Sec., and Trng. School, for Women, Mangalore- Sanctd.

C.F. 32.

Education Department

From (Name)

Designation The Director of Public Instruction

Station Madras.

Received 21 Registered

To

The Secretary to Government,
Education & Public Health
Madras. (Department,

Enclosures:

Rc.No.11275 A2/46 dated 9-4-1949.

Sir,

Sub:Rent - Private Building - Occupied by the Hostel attached to the Govt.Secondary and.Training School fo Women, Mangalore - Sanction of.

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The private building "Rama Sadan" was occupied by the Departme on 4-1-48 for accommodation of the hostel attached to the Government Secondary and Training School for women, Mangalore. The owner of the building demanded a rent of Rs.200/- per mensem at the time of occupation of the building which was provisionally accepted. After occupation the Rent Controller was addressed for ~~deserving~~ determining the fair rent for the building under the provisions of Section 4 of the Madras Buildings (Lease & Rent Control) Act 1946. A copy of his orders in the matter is herewith enclos

2.It may be seen that the Rent Controller has fixed the fair rent at Rs.175/- (Rupees one hundred and seventy five only) for the building with effect from 23-6-48, i.e., the date of the petition, thoug the building was occupied on 4-1-48. Nothing has been mentioned in the Rent Controller's order as to the rent to be paid for the period from 4-1-48 to 22-6-48. The Superintendent of the School has been instructed to address the Rent Controller regarding the rent to be paid for the period from 4-1-48 to 22-6-48.

3.In the meanwhile the owner has been pressing for the payme of the rent at the rate fixed by the Rent Controller for the period from 23-6-48. In the circumstances I request that Government may be pleased to sanction a rent of Rs.175/- per mensem for the building with effect from 23-6-48.

4.I will address the Government in due course for the payment of rent for the period from 4-1-48 to 22-6-48 on receipt of a further receipt from the Rent Controller.

Yours faithfully,

G. Sankaran

11.4.49.

for Director of Public Instruction.

AF.9/4.

In the Court Of the Revenue Divisional Officer & Rent Controller,

Mangalore.

28th Day of February, 1949.

Present: S.Abdul Rahiman Saheb Bahadur.

HRCOP 171/48.

Between:

The Government of Madras, represented by the Inspectress of Girls' Schools, Sixth Circle, Calicut — Petitioner.

and

Srimathi Kallyani Amma — Respondent.

## ORDER.

This is a petition under Section 4 of the Madras Buildings (Lease and Rent Control) Act, 1946, praying for fixation of 'fair rent' in respect of the residential building, "Ramasadan", situated in T.S.No.271-B of No.16, Bandoor ward, Mangalore Municipality. The Petitioner is the tenant using the building for the purpose of a hostel for the students of the Government training School for Women, Mangalore, and the respondent is the land-lady.

2.The respondent filed a counter disputing the claim of the Petitioner.

3.The respondent's husband, Mr.M.K.Nambyar, Bar-at-Law, now practising at Madras, was examined as P.W.1. He says that he purchased the building in April 1942 for Rs.9,500/-. He extended the building by adding eight living rooms and effecting other improvments at a cost of Rs.20,000. He filed Ex-R1, the demand notice issued by the Municipality for Rs.195-4-10 and Ex-R2, the Municipal licence for the reconstruction of the building. He also filed Ex-P3, the Municipal receipt before the purchase in favour of the land lord and added that after the reconstruction, the Municipal tax was not increased since it is not usual to increase taxes unless the owner represents. He filed the subsequent receipt Ex-P3 for Rs.38-14-2 for the half year ending 31-3-42 and Ex-P4 for Rs.38-14-2 fpr the half year ending 31-3-47. After the building was let out, the Municipality issued a notice fixing the tax at Rs.200/- in respect of the suit premises. It is Ex-R1. He

P.T.O

He further stated that when the Government wanted the building the P.W.D. Assistant Engineer inspected the building and sent up a report fixing the rental value of the building at Rs.175/- per month and for the garden at Rs.25/- per month, which contains about 52 coconut trees and also mango and jack trees. The Director of Public Instruction also accepted Rs.200/- as the monthly rent of the building. Even in 1939-40, the building as it now stood would have fetched a rent of Rs.175/-. At present it accommodates about 70 girls. The place where the building is situated is the best locality in Mangalore and there is an offer for this building for Rs.60,000/-. He admitted that only the house has been let out and not the garden. He filed Ex-P2, the order of the Director of Public Instruction provisionally accepting the rent of Rs.200/- subject to approval by the Rent Controller.

4.I inspected the building in the presence of the Government Pleader and the lawyer on behalf of the respondent. It is a fact that thebuilding is situated in an important locality and is abutting the road leading from Kadri to Kampankatta and Kodialbail. According to the Municipal extract filed, the tax paid in respect of the building was Rs.29-2-47 during the period 1939-40. In view of the reconstruction of the building by adding eight more rooms and constructing new bath rooms, fitting up an iron girder in the central hall, constructing a verandah with a wooden ceiling in the upstairs and effecting other improvements, there is no doubt that the respondent has spent a considerable amount in the imprvement of the building can be fixed at Rs.175/- per month exclusive of the garden. I fix the rent of the building accordingly. This rental shall take effect from the date of the petition i.e., from 23-6-48.

Typed to dictation and corrected by me.

Sd.xxx
Revenue Divisional Officer & Rent Controller.

/True Copy/

G. Sankarani 11.4.49
for Director of Public Instruction.

Edu HP.H (c

Rent – Private building occupied by the hostel attached to the Govt. Secondary and Training School for women, Mangalore – Sanctioned

From the D.P.I. No 11275 A2/46 dated 9-4-49.

GO Ms No 1366 Edu dated 20.4.49

~~In the circumstances stated by the D.P.I,~~ Sanc is accorded to the payment, with effect fro 23-6-1948, of a rent of Rs 175/- per month (Rup one hundred and Seventy five only) for the building "Rama Sadan" occupied by the hostel attached to the Govt. Secondary and Training School for women, Mangalore

2. Re for the Communication formed. availed

19/4/49 20/4/49

19/4/49 20/4/49

Note- Finance U.O for acceptance.

19/4/49 20/4/49 Finance

To, The D.P.I /
The A.G: through Finance

Spare copy

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FINANCE DEPARTMENT

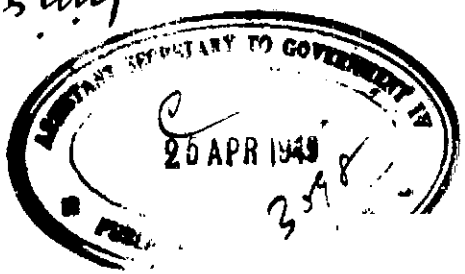
Edn. H. U.O.
No 28297-C1/49-1 Edu
20.4.49.

To Exps (E)

The draft order overleaf may be accepted.
P.W. also may see.

25.4.49

P.W.D/S.O. PW/EPH




P.W.D (E)

File no 2-2175x/sc-
25.4.49

The draft order overleaf may be perused and the file returned to the E&P.H Dept.

27.4.49

P.W.D Sec. A
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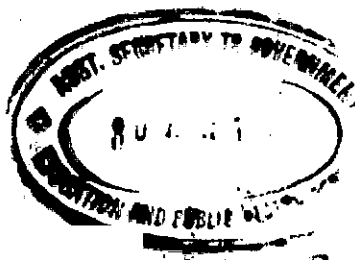
28.4.49

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